

## PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE  
SAN FRANCISCO, CA 94102-3298

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Donna R. Searcy  
Secretary  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

JAN 8 1993 FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
FCC - MAIL ROOM

Re: In the Matter of Amendment of the Commission's  
Rules to Establish New Personal Communications Services,  
Gen Docket No. 90-314

92-100

Dear Ms. Searcy:

Please find enclosed for filing an original plus eleven copies of the REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA in the above-referenced docket.

Also enclosed is an additional copy of this document. Please file-stamp this copy and return it to me in the enclosed, self-addressed, postage pre-paid envelope.

Very truly yours,

*Ellen S. Levine*  
Ellen S. Levine  
Attorney for California

ESL:lkw

Enclosure

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**JAN 8 1993**

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

**JAN - 8 1993**

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**FCC - MAIL ROOM**

In the Matter of

Amendment of the Commission's  
Rules to Establish New Personal  
Communications Services

) GEN Docket No. 90-314  
) ET Docket No. 92-100  
)  
) RM-7140, RM-7175, RM-7617,  
) RM-7618, RM-7760, RM-7782,  
) RM-7860, RM-7977, RM-7978,  
) RM-7979, RM-7980  
)  
) PP-35 through PP-40, PP-79  
) through PP-85  
)

REPLY COMMENTS OF THE PEOPLE OF THE STATE  
OF CALIFORNIA AND THE PUBLIC UTILITIES  
COMMISSION OF THE STATE OF CALIFORNIA

The People of the State of California and the Public  
Utilities Commission of the State of California ("California")  
hereby submit these reply comments in the above-referenced  
docket.

As discussed in California's opening comments, California  
strongly urges the Federal Communications Commission ("FCC") to  
maximize, to the greatest extent possible, the degree of  
competition in the public mobile communications market by  
licensing as many providers of personal communications service  
("PCS") in a given geographic market as technically feasible.

The FCC's experience with cellular telephone license  
duopolies has clearly demonstrated the long-lasting problems  
presented to regulatory agencies when inadequate competitive  
opportunities are afforded in the initial licensing scheme for  
new common carrier radio services. The nation and the citizens

of its states can ill afford another wasted opportunity to assure fully competitive and responsive markets for radio services.

Moreover, in order to ensure maximum competition among these providers, California reiterates its position that incumbent cellular licensees and their affiliates should not be eligible for a PCS license. In addition, California reiterates that the FCC carefully consider local exchange company participation in PCS. We would suggest that the Commission consider granting a PCS license to a local exchange carrier only upon the following minimum conditions:

1. A local exchange carrier or its affiliate neither has nor acquires any interest in a cellular entity.
2. A local exchange carrier or its affiliate is barred from acquiring any interest in any other PCS license in the same geographic market.
3. A state regulatory agency is free to fashion regulatory safeguards to ensure that providers of PCS may fully and fairly compete with local exchange carrier providers of PCS within a state.
4. A state regulatory agency is free to determine the appropriate regulatory classification governing a local exchange carrier's intrastate provision of PCS.

California recognizes that there are significant advantages to efficient design of local exchange networks in not constraining LECs from using PCS technologies. Such advantages

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may be properly weighed if the minimum conditions noted above are strictly observed to prevent LEC participation from compromising the competitive health of the promising PCS market.

Respectfully submitted,

PETER ARTH, JR.  
EDWARD W. O'NEILL  
ELLEN S. LEVINE

By:

  
Ellen S. LeVine

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Attorneys for the People  
of the State of California  
and the Public Utilities  
Commission of the State  
of California

January 7, 1993

CERTIFICATE OF SERVICE

I, Ellen S. LeVine, hereby certify that on this 7th day of January, 1993 a true and correct copy of the foregoing REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA was mailed first class, postage prepaid to all known parties of record.

A handwritten signature in cursive script, reading "Ellen S. LeVine", is written over a horizontal line.

Ellen S. LeVine